

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROVIO ENTERTAINMENT, LTD.
Plaintiff,

v.

AM WHOLESALE, INC., et al.
Defendant.

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CIVIL ACTION NO. 3:13-cv-04719-G

JOINT STATUS REPORT

In accordance with Rule 16(b), F.R. CIV. P., and the Court's Order dated, June 30, 2014, the parties have conferred on July 18, 2014¹, for the purposes of submitting this Joint Status Report, and provide the following proposals.

1. **A brief statement of the nature of the case, including the contentions of the parties.**

Plaintiff Rovio Entertainment, Ltd.'s Statement

Plaintiff Rovio Entertainment, Ltd. ("Rovio" or "Plaintiff") alleges that it is the developer and publisher of the popular ANGRY BIRDS game and owner of all intellectual property rights in and to ANGRY BIRDS, including internationally registered trademarks and copyrights in the game, game characters, and related consumer products based on same. Rovio alleges that it manufactures and imports Authentic Products into the United States under registered and unregistered trademarks and copyrights. Plaintiff alleges that Defendants sold products that are counterfeit and/or infringe one or more of Plaintiff's trademarks and copyrights. Defendants, deny these allegations.

¹ All parties agreed to a conference call scheduled for Friday, July 18, 2014 @ 11:00AM (EST). Counsel of record for Defendants AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani, Mr. Aaron P. Peacock, and counsel of record for Assured Vending LLC and Discount Arcade Distributing Inc., Mr. Steven T. Polino, did not participate in the conference call but have provided their comments, which are included herein and approved this Report prior to filing.

Defendants AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani's Statement

Defendants AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani contend that Plaintiff made false representations of material fact to the United States Patent & Trademark Office concerning its bona fide intentions to use the asserted marks in U.S. commerce in relation to each of the goods and services specified in the asserted registrations, and as a result, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani have been damaged. Therefore, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani contend that the asserted trademark registrations should be cancelled. Furthermore, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani contend that there is no likelihood of confusion that can be enjoined because Plaintiff cannot prove an entry into AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani's trade area within AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani's geographical area. Furthermore, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani contend that the Plaintiff's copyright infringement claim for an "angry bird" is barred by the legal doctrines of idea-expression dichotomy, merger and functionality.

Defendants Assured Vending LLC and Discount Arcade Distributing Inc.'s Statement

Defendants Assured Vending LLC and Discount Arcade Distributing Inc. deny that Plaintiff owns any intellectual property rights or that any such intellectual property rights were enforceable in the United States at the time of the alleged acts of Assured Vending LLC and Discount Arcade Distributing Inc.

Defendants BG Traders LLC and Bangshi Gopal Shrestha's Statement

Defendants BG Traders LLC and Bangshi Gopal Shrestha deny that they have sold any products that are counterfeit and/or infringe upon any registered or unregistered trademarks or copyrights, including those asserted by Rovio and deny that Rovio properly secured and owned enforceable trademark or copyright intellectual property that BG Traders LLC and Bangshi Gopal Shrestha could have infringed upon at the time of the acts alleged in the Complaint.

2. Any challenge to jurisdiction or venue.

The parties agree that this Court has jurisdiction over the subject matter of this action pursuant to Section 39 of the Lanham Act, 15 U.S.C. § 1121, the Copyright Act of 1976, 17 U.S.C. §501(a); and Chapter 85 of the Judiciary and Judicial Procedure Code, 28 U.S.C. §§1331 and 1338(a) and (b). The parties also agree that there are no challenges to venue.

3. Any pending motions.

NONE.

4. Any matters which require a conference with the court.

NONE.

5. Likelihood that other parties will be joined.

Plaintiff intends to add one or more of the following parties to the Action within the next month: Top 1 Wholesale, 11252 Harry Hines Blvd., Suite 201, Dallas, Texas 75229; Loc Huu Nguyen, 2214 Norwich Dr., Carrollton, Texas 75006.

6. (a) **An estimate of the time needed for discovery, with reasons, and**

All parties with the exception of Defendants, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Raviani, and Moshin Raza Raviani believe that discovery can be completed within six (6) months of the date of this Joint Status Report, on or about January 20, 2015. Plaintiff is located in Finland and there are multiple defendants so the parties will need time to coordinate depositions and document productions.

Defendants AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Raviani, and Moshin Raza Raviani's Statement

AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani believe that discovery can be completed within nine (9) months of the date of this Joint Status Report, on or about April 20, 2015. Because AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani are asserting counterclaims to cancel Plaintiff's asserted trademarks due to AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani's contention that Plaintiff made false representations to the United States Patent & Trademark Office concerning its bona fide intentions to use the asserted marks in U.S. commerce in relation to each of the goods and services specified in the asserted registrations, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc.,

Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani will be conducting discovery concerning each good and service listed in each registration and will be requesting documents from Plaintiff that evince Plaintiff's bona fide intention for each good and service. Because there are hundreds and hundreds of goods and services listed in the asserted registrations, Plaintiff will need time to produce the documents, and AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani will need time to review them.

(b) A specification of the discovery contemplated.

The parties intend to serve document, interrogatory and admission requests followed by depositions and possibly subpoenas of third parties.

7. Requested trial date, estimated length of trial, and whether jury has been demanded.

The parties believe that it will take one week to present the evidence on both sides. No Jury demand has been made.

8. Whether the parties will consent to trial (jury or non-jury) before a United States Magistrate Judge per 28 U.S.C.A. § 636(c).

The parties do not consent to trial before a Magistrate Judge.

9. Prospects for settlement, and status of any settlement negotiations.

The parties have discussed settlement both prior to the filing of the instant action, have continued to engage in settlement discussions subsequent to filing the action, and have agreed to continue engaging in settlement discussions.

10. What form of alternative dispute resolution (e.g., mediation, arbitration, summary jury trial) would be most appropriate for resolving this case and when it would be

most effective (e.g., before discovery, after limited discovery, at the close of discovery).

All parties are open to continuing to discuss the possibility of engaging in mediation at the close of discovery, subject to the statement made by Defendants, Defendants AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Raviani, and Moshin Raza Raviani below.

Defendants AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Raviani, and Moshin Raza Raviani's Statement

AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani request that the Court order mediation after the close of discovery. Furthermore, AM Wholesale Inc., AM1 Wholesale, Inc., Amafhh Center Inc., Amafhh International Inc., Ali Raza Ravjani, and Moshin Raza Ravjani request that a representative from Plaintiff's company with authority to settle the case be required to attend the mediation in person.

11. Any other matters relevant to the status and disposition of this case.

NONE.

Dated: July 21, 2014

Respectfully submitted,

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